

**BEFORE THE STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

**APPLICATION FOR CERTIFICATION OF  
DUKE ENERGY FOR THE  
MORRO BAY POWER PLANT PROJECT**

**DOCKET No. 00-AFC-12**

**TENTATIVE EXHIBIT LIST**

- EXHIBIT 1:** Impingement Studies at Morro Bay Power Plant Report from Pacific Gas and Electric Company, (PG&E) Department of Engineering Research (Behrens, Sommerville Report #026.22-80), issued December 15, 1982. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 2:** Secondary Access Roadway License Agreement between PG&E and Duke Energy Morro Bay LLC, executed June 30, 1998. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 3:** Memorandum of Understanding (MOU) between the City of Morro Bay and Duke Energy Morro Bay LLC, executed February 28, 2000. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 4:** Application for Certification (AFC) for the Morro Bay Power Plant Project, filed October 23, 2000, Volumes 1A, 1B, 2, 3, and 4. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; February 5, 2002.
- EXHIBIT 5:** Letter from Sierra Research to Robert Carr, SLOAPCD, dated November 1, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 6:** Letter from Sierra Research to EPA, Region IX Re: Application for Prevention of Significant Deterioration Permit, dated November 1, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 7:** Letter from Sierra Research to Magdy Badr, CEC, Re: Confirmation of Meteorological Data, dated November 1, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.

- EXHIBIT 8:** Letter from Sierra Research to Robert Carr, SLOAPCD, Re: Isopleth Diagrams, dated November 9, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 9:** Letter dated November 14, 2000, from John Torrey, Duke Energy, to Kae Lewis, CEC, enclosing two letters: 1) Letter dated November 3, 2000, from Wayne Hoffman to Roger Briggs, California Regional Water Quality Control Board; and 2) Letter dated November 6, 2000, from Margaret Rosegay to Craig Wilson, State Water Resources Control Board. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 10:** Letter from Gary Willey, SLOAPCD, to CEC, Re: Data Adequacy Review, dated November 17, 2000. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 11:** Letter dated November 20, 2000, from Robert Cochran, Duke Energy, to Robert Lambert, PG&E, enclosing the "Completed Application for Wholesale Generator" containing the Generator Interconnection Data Sheets necessary for conducting the Detailed Facilities Study for the Morro Bay Modernization Project. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 12:** Letter from Sierra Research to Gary Willey, SLOAPCD, Re: Additional Information to Address Permit Data Adequacy Issues, dated November 21, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 13:** Letter from Gary Willey, SLOAPCD, to Kae Lewis, CEC, Re: Notification of Application Completeness, Data Adequacy Review, dated November 28, 2000. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 14:** Memo from Nancy Mathews, Sierra Research, to Gary Willey, SLOAPCD, Re: Supporting Information on Baseline Emissions for Units 1 through 4, dated November 28, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 15:** Letter from Paul Allen, SLOAPCD, to Kae Lewis, CEC, Re: Project Site Meteorology Data, dated November 28, 2000. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 16:** Memorandum dated December 3, 2000, from Jane E, Luckhardt of Downey, Brand, Seymour & Rohwer to Randy Vigor, Duke Energy, enclosing an opinion by the Attorney General regarding permissible fees for building permits. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 17:** Technical Working Group (TWG) Meeting Notes of December 4, 2000, Moss Landing Marine Laboratories. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 18:** Letter dated December 8, 2000, from Andrew Trump, Duke Energy, to Kae Lewis, CEC, regarding the renewal of the Cost Reimbursement Agreement with the City of Morro Bay. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 19:** Responses to CEC comments on Data Adequacy for the Morro Bay Power Plant Modernization Project relayed to Air Quality, Land Use, Traffic and Transportation, Visual Resources, Cultural Resources, Socioeconomics, Water Resources, and Transmission System Engineering, docketed December 8, 2000. Sponsored by Applicant; portions admitted into evidence on December 17, 2001 and on February 5, 2002.
- EXHIBIT 20:** January 11, 2001 letter of concern regarding the Playano Salinan people in the ancestral and spiritual site. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 21:** Review of San Luis Obispo County's Local Coastal Plan, dated February 13, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 22:** Responses to CEC February 9, 2001 Data Requests (1-5, 22-27, 28-34, 55, 56, 57-59, 60-76, 77-80, 81, 82-93, 94-113, 114-124, 125-127, 177-185) on Air Quality, Alternatives, Biology, Cultural, Efficiency, Geology/Paleontology, Land Use, Noise, Reliability, Socioeconomics, Soil/Water Resources, Traffic, Transmission System Engineering, Waste Management, from Duke Energy, dated March 9, 2001. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; and February 5, 2002.
- EXHIBIT 23:** Applicant's responses to Intervenor CAPE's March 9, 2001 Data Requests related to public relations materials distributed May 1999 – October 2000. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 24:** February 14, 2001 letter of support for CEC to work with the Water Quality Board and other agencies to expedite the approval process. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 25:** February 20, 2001 binder prepared by Applicant and given to Energy Commissioners for site visit. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 26:** Letter from Gary Rubenstein, Sierra Research, to Kae Lewis, CEC, Re: Source Test Report, dated March 13, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 27:** March 26, 2001 letter of primary concern and comments. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 28:** Facsimile of letter dated April 2, 2001, from Caryn Holmes of the CEC to Greg Fuz, City of Morro Bay, describing the scope of comments and recommendations that the City of Morro Bay should provide to the Energy Commission regarding the consistency of the Morro Bay Power Plant Project with local ordinances and standards. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 29:** Applicant's response to CEC February 9, 2001, Data Requests on Visual Resources (218-176), dated April 3, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 30:** Applicant's response to February 9, 2001 Visual Data Request- Graphics, dated April 4, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 31:** DTSC Comments on Application, dated April 6, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 32:** Letter from Nancy Matthews, Sierra Research, to David Nelson, CAPE, Re: Modeling of Input and Output Files Regarding Potential Health Risks, dated April 10, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 33:** Letter from Nancy Matthews, Sierra Research, to Henrietta Groot, CAPE, Re: BAAQMD Letter Regarding Results of Acrolein Source Testing, dated April 10, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 34:** Applicant's responses to Intervenor CAPE's March 9, 2001 Data Requests related to Air Quality, Public Health, Water Resources, Marine Biological Resources, Facility Closure, Alternatives, Land Use, Socioeconomics, Noise, Visual Resources, Transmission Lines, and Community Outreach, docketed April 11, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002; February 5, 2002.

- EXHIBIT 35:** Letter dated April 11, 2001, from Roger Briggs, CRWQCB, to Wayne Hoffman, Duke Energy, regarding Morro Bay Power Plant Thermal Discharge. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 36:** Applicant's responses to CEC February 9, 2001 Data Requests (remaining responses 23, 43, 47, 53, 62, 63, 71, 88-91, 106, 116, 121) related to Alternatives, Cultural Resources, Land Use, Socioeconomics, Soil/Water Resources, and Traffic, docketed April 11, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 37:** Applicant's responses to CEC's April 2, 2001 and February 9, 2001 Data Requests (CAPE 186-226; CEC 149, 99, 128-130, 132, 133, 140, 141, 144, 149, 150, 160, 161, 167, 168, 174, and 229) on Air Quality, Alternatives, Cultural, Hazardous Materials, Land Use, Noise, Soil and Water, Transportation, Transmission, Visual Resources, dated April 24, 2001. Sponsored by Applicant; portions admitted into evidence on January 29, 2002; January 30, 2002; February 5, 2002.
- EXHIBIT 38:** Applicant's responses to the March 9, 2001 Data Requests from Intervenor CAPE, dated April 24, 2001. Sponsored by Applicant; portions admitted into evidence on December 17, 2001 and on February 5, 2002.
- EXHIBIT 39:** Comments regarding potential impacts, dated April 27, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 40:** Letter and enclosures from Terry Huffman to David Sulouf regarding bridge over Morro Creek, dated May 1, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 41:** Letter and enclosures from Terry Huffman to Gerardo Rios to initiate early consultation under Section 7 of the SA for the anticipated approval of one or more permits under the CAA for the proposed construction of the Morro Bay Power Plant, dated May 1, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 42:** Letter from Nancy Matthews, Sierra Research, to Magdy Badr, CEC, Re: Cumulative Impact Analysis, dated May 2, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 43:** Status Report No. 1 - Meeting Public Input, dated May 3, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 44:** Applicant's responses to March 9, 2001 Intervenor CAPE Data Requests (Air Quality Data Requests 67-108 and Data Requests 139, 150, 214, and 215), dated May 3, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 45:** Memo from Nancy Matthews, Sierra Research, to Gary Willey, SLOAPCD, Re: Health Risk Assessment, dated May 9, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 46:** System Impact/Facilities Study for the Morro Bay Power Plant Modernization Project issued by PG&E on May 4, 2001 and docketed May 10, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 47:** Applicant's responses to Outstanding Visual Data Requests (Michael Clayton Email of 4/30/01); Submittal of Figure 6.11-11A for CEC Data Responses 224; and Submittal of Draft Stormwater Prevention Plan; docketed May 8, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002.
- EXHIBIT 48:** Letter dated May 11, 2001, from Jeffrey Miller, Cal ISO, to Robert Cochran, Duke Energy, regarding the Cal ISO's review of the System Impact/Facilities Study of the Morro Bay Modernization Project, dated May 4, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 49:** Letter dated May 11, 2001, from Greg Fuz of the City of Morro Bay to Kae Lewis, CEC, enclosing a chart of Duke Energy Morro Bay Modernization Project's consistency with key City policies and regulations applicable to the project. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 50:** Letter dated May 14, 2001, from David H. Sulouff, Eleventh Cost Guard District, to Terry Huffman, Huffman-Broadway Group, discussing the proposed construction of a bridge across Morro Creek. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 51:** Duke Energy Proposed Conditions of Certification related to the following set of topics: Worker Safety, Transportation, Cultural Resources, Geology, Civil Engineering, Hazardous Materials, Noise, Biology, Paleontology, Structural, Waste Management, Visual Resources, Soil & Water, General, and Electrical, docketed May 15, 2001. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002.

- EXHIBIT 52:** Applicant's responses to Intervenor CAPE's April 23, 2001, Data Requests (288-290, 293-309, 310-39, 340-342, 343-353) on Air Quality, Project Description, Engineering, Marine Biology, Water Resources, Alternatives, and Noise, dated May 29, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002; February 5, 2002.
- EXHIBIT 53:** Applicant's remaining Data Responses to CEC Staff related to Noise, Transmission System Engineering, Traffic & Transportation, Hazardous Materials, Project Description, Visual Resources, and Cultural Resources, Duke Energy, docketed May 29, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002.
- EXHIBIT 54:** Letter to advise that PG&E is in the process of determining obligations, consistent with its duties as a debtor in possession under bankruptcy, dated June 1, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 55:** Letter from Sierra Research to Intervenor CAPE, Re: Comparison of Measured and Modeled Ambient Pollutant Concentrations, dated June 7, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 56:** Final Morro Creek Flood Hazard Evaluation, prepared by WEST Consultants, Inc., dated June 12, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 57:** Letter regarding Building/Construction Permit, dated June 15, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 58:** Response to CEC Outstanding Visual Data Requests (132, 133, 141, 226, 168, 175), dated June 15, 2001, from Paul Curfman. Sponsored by Applicant; portions admitted into evidence with clarification on February 5, 2002.
- EXHIBIT 59:** Letter Re: Construction Staging Areas at Camp San Luis Obispo, from California National Guard to the CEC, docketed June 19, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 60:** Letters from: 1) Plumbers and Pipefitters Union; 2) Southwest Regional Council of Carpenters; 3) Santa Barbara-San Luis Obispo Counties Building and Construction Trades Council; and 4) Business Representative of Local Union #639, docketed June 26, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 61:** Letter dated June 29, 2001, from Wayne Hoffman, Duke Energy, to Roger Briggs, CRWQCB, submitting Alternative Cooling Water Intake Technology Costs for the Morro Bay Power Plant Modernization Project. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 62:** Evaluation of an Alternative Offshore Submerged Cooling Water Discharge for the Morro Bay Power Plant Modernization Project, dated June 29, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 63:** Letter dated July 2, 2001, from Wayne Hoffman, Duke Energy, to Roger Briggs, CRWQCB, submitting the final Morro Bay Power Plant Modernization Project Thermal Discharge Assessment Report, dated May 22, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 64:** Various documents: 1) Morro Bay Power Plant Modernization Project Submittal of Beneficial Uses of Waste Heat Discharge Evaluation Report; 2) Morro Bay Power Plant Modernization Project Submittal of Offshore Discharge Evaluation Report; 3) Morro Bay Power Plant Modernization Project Submittal of Alternative Cooling Water Intake Technology Costs, docketed July 2, 2001. (These reports prepared for Regional Board's July 12<sup>th</sup> Workshop in Morro Bay.) Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 65:** Memorandum dated July 11, 2001, from John Torrey, Duke Energy, to Kae Lewis, CEC, providing Ground Water Extraction Evaluations on the Morro Bay Power Plant Modernization Project, prepared by TRC. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 66:** Morro Bay Power Plant Modernization Project 316(b) Resource Assessment Report, Tenera Environmental Services, dated July 10, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 67:** Morro Bay Power Plant Historic Property Evaluation, submitted by Duke Energy & TRC on July 16, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 68:** Letter dated July 17, 2001, from Tarren Collins, SLOCCC, to Kae Lewis, CEC, regarding Preliminary Staff Assessment workshop on Cultural Resources. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.



- EXHIBIT 69:** Applicant's responses to June 19, 2001 Data Requests on Marine Biology and Water Resources, (354, 362, 363, 367, 389, 390, 391, 392, 402, 403, 404, 406), dated July 23, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 70:** Applicant's responses to Data Requests on Noise, Vibration, Traffic and Transportation, Duke Energy, docketed July 26, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002.
- EXHIBIT 71:** Applicant's response to Technical Working Group – distribution of relevant information on the Gunderboom aquatic filter barrier intake technology and its biological effectiveness, distributed by Brian Waters, Duke Energy, on July 26, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 72:** Confidential filing per July 13, 2001 CEC Status Report on Archeological and geomorphological Monitoring of Geotechnical Boring on Existing Berms in the Tank Farm Area; filed July 27, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 73:** Applicant's response to Data Request Re: Hazardous Materials, docketed July 30, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002.
- EXHIBIT 74:** Applicant's responses to Data Requests: 1) Visual Resources and 2) Report on Construction worker Impacts, docketed July 31, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 75:** Applicant's responses to Data Request for information on Offsite Satellite Parking Area prepared by TRC, dated August 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 76:** Applicant's response to Data Request for information on Land Use, docketed August 1, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 77:** Revised Salvage and Demolition Impact Analysis, dated August 6, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 78:** Information items due from Applicant – Soil and Water Resources: SWPPP for site, laydown area, and satellite parking area. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 79:** Applicant's response to Data Request for Geotechnical Investigation, Perimeter Levees, dated August 8, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.

- EXHIBIT 80:** Analysis of Potential Effects of Duke Energy Morro Bay, LLC Ground Water Pumping on Flows in Morro Creek, prepared by TRC, docketed August 8, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 81:** Construction Access Schematic Road Improvements and Proposed Mixed-Use Path Alignment Schematic Plan, submitted by Applicant, dated August 9, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 82:** Morro Bay Planning Commission Resolution on “Dry Air” Cooling, dated August 9, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 83:** Status of National Pollutant Discharge Elimination System Permit for Duke Energy and Request for Site-Specific California Environment (??) dated \_\_\_\_\_. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 84:** Information items from Applicant – Report on Costs of Gunderboom Option, Duke Energy, docketed August 13, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 85:** Information items from Applicant - Draft Biological Assessment, Duke Energy, docketed August 13, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 86:** Confidential Filing – Cultural Resource Investigation of the Proposed MBPP Construction Laydown Areas, Camp SLO, prepared by TRC, docketed August 13, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 87:** Various documents: 1) Morro Bay Power Plant Construction Staging Area at Camp San Luis Obispo California National Guard (00-AFC-12) Data Request Response; 2) Cultural Resources – Proposed Staging Area Map; 3) Four letters on Cultural issues at staging area; 4) 442 Page report on Camp SLO Cultural Resources Inventory; 5) 68 page report on Camp SLO Cultural Resources Inventory – Jones & Stokes; 6) 15 page report on Eligibility Determination Studies at select Cultural Resources at Camp SLO. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 88:** Applicant’s revised Analysis of Air Quality Impacts During Demolition, docketed August 14, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.

- EXHIBIT 89:** Confidential Filing. Archeological Testing Report for Tank Farm Area, dated \_\_\_\_\_. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 90:** Applicant's PSA Comments, Set 1 – Air Quality, Cultural Resources, Hazardous Materials, Land Use, Noise, Socioeconomics, Waste Management, Facility Design, submitted by Ellison, Schneider & Harris, dated August 15, 2001. Sponsored by Applicant; portions admitted into evidence on January 29, 2002; January 30, 2002; February 5, 2002.
- EXHIBIT 91:** Applicant's PSA Comments, Set 2 – Alternatives. Submitted by Ellison, Schneider & Harris, dated August 15, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 92:** Applicant's PSA Comments, Set 3, on Biological/Marine Resources, Terrestrial Biology, Soil & Water, submitted by Ellison, Schneider & Harris, dated August 17, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 93:** Revised Analysis of Air Quality Impacts During Construction, prepared by Sierra Research, docketed August 21, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 94:** Alternative Cooling System Documents Related to Air Cooled Condensers and Aquatic Filter Barrier submitted to Kae Lewis: 1) Presentation of "Alternative Cooling Technologies" from February 2001 RWQCB Workshop; 2) May 11, 2001 submittal of Draft 316(b) Report; 3) June 29, 2001 submittal to RWQCB on Supplemental alternative cooling water intake technology costs; 4) July 10, 2001 submittal to RWQCB of final 316(b) Report; 5) Presentation by Brian Waters at July 12, 2001 RWQCB Workshop on "Alternative Cooling Technologies; 6) Presentation on Gunderboom by Wayne Hoffman at July 12, 2001 Workshop; 7) July 23, 2001 ARB discussion and presentation by Gunderboom to TWG; 8) July 26, 2001 distribution package to TWG with descriptive information concerning the AFB; 9) August 2, 2001 package of descriptive materials on Gunderboom and a Phase 1 Report on Gunderboom; 10) August 9, 2001 submittal of "Evaluation of Alternative Intake Technologies – Air Cooled Condensers" report to the City of Morro Bay; 11) August 13, 2001 presentation on Air Cooled Condensers by Andy Trump; and 12) August 14, 2001 distribution of "Experiments with Exposure of American Shad Eggs and Larvae to the Gunderboom Marine Life Exclusion System" report to the TWG; docketed by Duke Energy, August 24, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 95:** August 31, 2001 Agreement to Lease/Agreement Regarding Modernization of the Morro Bay Power Plant between the City and Duke Energy. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 96:** Morro Bay City Council Resolution #57-01 Regarding Alternative Cooling Methods Proposed for the MBPP, dated August 31, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 97:** Transmittal of Final Determination of Compliance, SLOAPCD, dated August 30, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 98:** Draft Essential Fish Habitat Assessment; US Army Corps of Engineers (No Jurisdiction letter), dated September 13, 2001. Submitted by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 99:** Applicant's letter to CRWQCB regarding Site Specific CEQA Analysis and NPDES Permit Schedule, dated September 17, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 100:** Status and Update, Proposed Ground Water Pump Test, dated September 5, 2001. Submitted by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 101:** City's Response to Land Use Comments submitted by Duke on Morro Bay PSA, City of Morro Bay, dated September 21, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 102:** Applicant's response to City of Morro Bay letter, dated September 21, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 103:** Applicant's responses to CEC Committee Ruling Directing Duke Energy to Supply Information Re: Petition of Intervenor Regarding Data Requests 323, 324, 326, 327, 328, 332, 407, 408, and 409, Duke Energy, dated September 24, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 104:** Data Request Responses: MBPP Construction Staging Areas at Camp SLO; Environmental Assessment; docketed September 24, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 105:** Applicant's discussion of items during conference call of September 20, 2001 with EPA, USFWS, and CEC, dated September 24, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 106:** Applicant's Project Photo Simulations of Air Cooled Condensers, dated September 25, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 107:** Technical Data in Response to Requests from the Aspen Group Related to Site Layout, Elevations, Equipment Sizes, Technical Data for Proposed Modernization, Air Cooled and Hybrid Condensing System, Duke Fluor Daniel, dated September 20, 2001 and docketed October 4, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 108:** Letter from PG&E to Romulo Barreno regarding Generator Special Facilities Agreement, dated October 16, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 109:** Letter to Fire Chief Jones from Duke Energy, dated October 17, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002.
- EXHIBIT 110:** Applicant's Project Description Modifications, Conceptual Plan – Response to City of Morro Bay, dated October 18, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 111:** Applicant's Conceptual Plan – Management and Handling Potentially Contaminated Soil/Groundwater during demolition activities, dated October 18, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 112:** October 26, 2001 letter from Andy Trump to Roger Briggs, California Regional Water Quality Control Board, Re: "Path Forward". Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 113:** Final Biological Assessment & Exhibits Prepared for the November 5<sup>th</sup> Workshop, submitted by Duke Energy, November 9, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 114:** Supplementary Filing: Informational Package for Exhibits Prepared for the November 5<sup>th</sup> Workshop, submitted by Duke Energy, November 14, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 115:** Final Staff Assessment, Part 1 (November 2001). Sponsored by Staff; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; January 31, 2002.
- EXHIBIT 116:** Errata to Final Staff Assessment, Part 1 (including resumes), dated December 11, 2001. Sponsored by Staff; portions admitted into evidence on December 17, 2001; January 29, 2002; January 31, 2002.

- EXHIBIT 117:** Applicant's testimony on Group I issues, dated December 11, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 118:** Prepared testimony of Rick Algert on behalf of Intervenor City of Morro Bay, dated December 11, 2001. Sponsored by Intervenor City; admitted into evidence on December 17, 2001.
- EXHIBIT 119:** Prepared testimony of Robert Schultz on behalf of Intervenor City of Morro Bay, dated December 11, 2001. Sponsored by Intervenor City; admitted into evidence on December 17, 2001.
- EXHIBIT 120:** Transmission System Reliability testimony from California Independent System Operator, dated November 15, 2001. Sponsored by Staff; admitted into evidence on December 17, 2001.
- EXHIBIT 121:** Declaration of Brian Stacy re: compliance matters, submitted as part of Intervenor CAPE's Group I testimony dated December 10, 2001. Sponsored by Intervenor CAPE; admitted into evidence on December 17, 2001.
- EXHIBIT 122:** Declaration of Jack McCurdy (including FERC policy and five attached newspaper articles), submitted as part of Intervenor CAPE's Group I testimony dated December 10, 2001. Sponsored by Intervenor CAPE; admitted into evidence on December 17, 2001.
- EXHIBIT 123:** Declaration of Don Boatman re: transmission issues, submitted as part of Intervenor CAPE's Group I testimony dated December 10, 2001. Sponsored by Intervenor CAPE; admitted into evidence on December 17, 2001.
- EXHIBIT 124:** Erratum and Additional Testimony to Final Staff Assessment, Part 1, dated December 14, 2001. Sponsored by Staff; admitted into evidence on December 17, 2001.
- EXHIBIT 125:** Applicant's Prehearing Conference Statement dated November 26, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002.
- EXHIBIT 126:** Letter from Gary Rubenstein, Sierra Research, to Robert Carr, SLOCAPCD, regarding voluntary surrender of surplus SOx emissions reduction credits, dated May 3, 2001. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 127:** Letter from Nancy Matthews, Sierra Research, to David Nelson, CAPE, Re: Data Request #108 and transmittal of two reports, dated May 3, 2001. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.

- EXHIBIT 128:** Letter dated June 14, 2001 from Sierra Research to SLOCAPCD re: short-term ambient NO<sub>2</sub> impacts during turbine startup. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 129:** Letter dated June 14, 2001 from Sierra Research to SLOCAPCD re: comments on Preliminary Determination of Compliance. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 130:** Memo from Gary Rubenstein, Sierra Research, to Larry Allen, SLOCAPCD, Re: Proposed Modeling Assumptions for Refined Analysis of Construction and Demolition Emissions, dated June 19, 2001. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 131:** Duke's Responses to Commission Staff's November 6, 2001 Data Requests on Project Modifications regarding Cultural Resources. Confidential Docket by Duke on November 21, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 132:** Gibson, Robert O. "Ethnogeography of the Salinan People." Master Thesis, California State University, Hayward. 1983. (Docketed 1/16/02.) Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 133:** Information Offsite Satellite Parking Area Morro Bay Power Plant Project, Duke Energy. (Docketed 8/10/01.) Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 134:** Prefiled Testimony of Applicant, filed on January 15, 2002, entitled "Applicants Testimony on Group II Issues." Sponsored by Applicant; portions admitted into evidence on January 30, 2002.
- EXHIBIT 135:** Testimony of John Rohrer, dated \_\_\_\_\_. Sponsored by Intervenor City of Morro Bay; admitted into evidence on January 29, 2002.
- EXHIBIT 136:** Corrections to Hazardous Materials Management Testimony and Technical Appendix, docketed January 22, 2002. Marked for identification only.
- EXHIBIT 137:** Testimony of Jeff Jones Re: Hazardous Materials, Worker Safety and Fire. Sponsored by Intervenor City of Morro Bay; admitted into evidence on January 29, 2002.
- EXHIBIT 138:** Testimony of Robert W. Schultz on behalf of the City of Morro Bay Re: Traffic and Transportation. Submitted by Intervenor City of Morro Bay; admitted into evidence on January 30, 2002.

- EXHIBIT 139:** Testimony on Traffic and Transportation offered by Intervenor Coastal Alliance on Plant Expansion on Group II Topics and Sponsored Exhibits. Submitted by Coastal Alliance on Plant Expansion; portions admitted into evidence on January 30, 2002; February 6, 2002.
- EXHIBIT 140:** Testimony of Robert W. Schultz on behalf of City of Morro Bay Re Socioeconomics. Submitted by Intervenor City of Morro Bay; admitted into evidence on January 31, 2002.
- EXHIBIT 141:** Testimony of Clay Allen Singer (C. A. Singer and Associates) on Cultural Resources on behalf of the San Luis Obispo County Chumash Council (SLOCCC). Submitted by the SLOCCC; admitted into evidence on February 5, 2002.
- EXHIBIT 142:** Declaration of John W. Burch. Submitted by the \_\_\_\_\_; admitted into evidence on February 5, 2002.
- EXHIBIT 143:** Staff Final Staff Assessment (FSA) - Part 2. Submitted by Staff; portions admitted into evidence on February 5, 2002.
- EXHIBIT 144:** Staff's Response to Applicant's Motion to Amend the Schedule and Errata to Cultural Resources Testimony. Attachment B to Staff Response to Applicants Motion, docketed January 24, 2002. Sponsored by Staff; admitted into evidence on February 5, 2002.
- EXHIBIT 145:** Letter from Robert M. Wood, Native American Heritage Commission, to Dorothy Torres. Letter of Primary Concerns and Comments, docketed 3/26/01. Sponsored by Staff; admitted into evidence on February 5, 2002.
- EXHIBIT 146:** Letter from Robert M. Wood, Native American Heritage Commission, to Dorothy Torres. Comments on Preliminary Staff Assessment, docketed 10/5/01. Sponsored by Staff; admitted into evidence on February 5, 2002.
- EXHIBIT 147:** Document entitled "Sources of Uncertainty When Measuring Particulate Matter emissions from Natural Gas-Fired Combustion Turbines," authored by Gary Rubenstein, Sierra Research, and presented to the Air and Waste Management Association on March 30, 2001. Sponsored by Intervenor Coastal Alliance on Plant Expansion (CAPE); marked for identification on February 6, 2002.